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IBM Docket No.: AUS920030903US1(4025)

## REMARKS

Claims 1-26 are pending and claims 1-26 stand rejected. The Office action rejected claims 1-26 under 35 USC § 102(e) as being anticipated by Sheha et al. U.S. Pat. App. 2003/0036848 (hereinafter "Sheha"). Applicant respectfully believes that the rejections have been traversed in light of the following remarks. All of the claims in the present application are believed to be patentable over Sheha and the Examiner's reconsideration is respectfully requested.

### Claim rejections under 35 USC § 102

Claims 1-26 stand rejected under 35 USC § 102(e) as being anticipated by Sheha. Applicant respectfully contends that the rejections with respect to claims 1-26 are traversed in the following remarks.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single reference.<sup>1</sup> Furthermore, the identical invention must be shown in as complete detail as is contained in the claim.<sup>2</sup>

#### Claim 1

In regards to independent claim 1, the Office action fails to establish a *prima facie case* of anticipation by Sheha because citations of Sheha provided as support for the rejections fail to describe, suggest or teach "each and every element as set forth in the claim[s]". In particular, claim 1 states:

interacting with the user to determine the particular location based upon the current location, ... wherein the interacting comprises receiving differential information indicative of a distance between the current location and the particular location from the user....

<sup>1</sup> *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987).

<sup>2</sup> *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

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Sheha instead teaches a method of searching for points of interest (POIs) and their ratings based on the user's *current position* as determined by a navigational device. (Sheha Specification, para. #0062-0063). The user of Sheha may select a search distance (as shown on the search distance display 904 of FIG 9) to specify a radius around the user's *current position* for which search results will be returned. (Sheha Specification, para. # 0065). The Sheha system then searches based on the user's *current position* and the input search distance parameter and then returns the results. (Sheha Specification, para. #0066-0067, 0076). The search results include a variety of POIs that met the search criteria and were within the search distance. (Sheha Specification, para. #0068).

Sheha does not disclose or suggest interacting with the user to determine the particular location based on the current location. As described previously, the Sheha system only utilizes the *current location* to produce its search results and thus does not determine a particular location. (Sheha Specification, para. #0066-0067, 0076). The other locations of Sheha besides the current location are POIs are part of the search results, and are not a particular location that will be the basis for a search as required by claim 1. (Sheha Specification, para. #0068). Sheha also does not disclose or suggest receiving differential information indicative of a distance between the current location and the particular location from the user. The Sheha system does not receive differential information as it does not determine a particular location and instead only receives a search distance parameter that is used to limit a current location-based search. (Sheha Specification, para. #0065). The search distance is not differential information between a current location and a particular location and is instead a search parameter. (Sheha Specification, para. #0065). Accordingly, Sheha does not teach or suggest, expressly or inherently, the teachings of independent claim 1.

Sheha also fails to disclose or suggest providing rating information based on the particular, different location. Claim 1 states "transmitting the particular location to a wireless network to request the rating information". Sheha, in contrast, does not disclose or suggest transmitting the particular location to a wireless network to request the rating information. Sheha does transmit the user's *current location* over a wireless network so as to receive information about nearby POIs, but Sheha does not transmit a *particular location* (that differs from the current location by the differential information) to request rating information associated

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with that particular location. (Sheha Specification, para. #0065). For example, the Sheha system finds POIs “closest to the user’s current position minimizing the drive time off the route.” (Sheha Specification, para. #0076). Simply put, Sheha discloses methods and systems “for enabling a navigational device to search, rate, and navigate POIs from a navigational device’s current position”, and does not disclose providing rating information based on a particular, different location than the user’s current location. (Sheha Specification, para #0058).

Sheha does not teach or suggest, expressly or inherently, multiple limitations of claim 1 for the reasons described above and other reasons. Accordingly, Applicant respectfully requests that the rejection of claim 1 be withdrawn and that claim 1 be allowed.

### Claims 2-9

Claims 2-9, being dependent upon claim 1, incorporate the limitations of claim 1. As discussed previously, Sheha does not teach or suggest, expressly or inherently, multiple limitations of claim 1. Sheha similarly does not teach or suggest, expressly or inherently, multiple limitations of claims 2-9 for the reasons described for claim 1, for reasons described herein, and for other reasons. Applicant therefore respectfully requests that the rejections of claims 2-9 be withdrawn and the claims allowed. While the Office action’s individual rejections of particular dependent claims are now moot in light of the arguments presented above and need not be addressed, some additional distinctions between these claims and Sheha will be addressed below.

### Claims 3-4

Sheha fails to teach or suggest, expressly or inherently, the element of dependent claim 3 that states “wherein the differential information indicating a distance comprises an indication of travel time from the current location” and the element of dependent claim 4 that states “wherein the differential information further comprises an indication of the compass direction between the current location and the particular location”. Sheha does disclose providing route information as part of the search results that includes a start point, end point, a map, and a travel time to locations on the map. (Sheha Specification, para. #0074, 0076). But Sheha fails to disclose receiving differential information *from a user* that includes a travel time or an indication of a compass direction, as required by claims 3 and 4, respectively. Sheha’s disclosure is provided *to*

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the user as part of search results and simply does not disclose receiving such information *from a user* who is providing differential information to be used in determining a particular location. Applicant accordingly respectfully requests that the rejection of claims 3 and 4 be withdrawn and those claims be allowed.

Claim 5

Sheha fails to teach or suggest, expressly or inherently, the elements of dependent claim 5 that state "determining the particular location based on the current location and the differential information" and "transmitting the particular location to the wireless network". Sheha does disclose providing route information as part of the search results that includes a start point, end point, a map, a travel time to locations on the map, and POIs on the map. (Sheha Specification, para. #0074, 0076). But Sheha fails to disclose determining the particular location based on differential information received *from a user*, as required by claim 5. Sheha's POIs are provided *to* the user as part of search results and accordingly are not particular locations (that are determined based on the differential information received from a user) as required by claim 5. Applicant accordingly respectfully requests that the rejection of claim 5 be withdrawn and the claim be allowed.

Claim 6

Sheha fails to teach or suggest, expressly or inherently, the element of dependent claim 6 that states "transmitting the current location and the differential information to the wireless network". Sheha does disclose providing route information as part of the search results that includes a start point, end point, a map, a travel time to locations on the map, and POIs on the map. (Sheha Specification, para. #0074, 0076). Sheha also does disclose a user device that is connected to a wireless network. (Sheha Specification, para. #0062) Sheha, however, fails to disclose transmitting differential information *from a user* to a wireless network, as required by claim 6. Sheha discloses transmitting a search distance received from a user (as shown on the search distance display 904 of FIG 9) to specify a radius around the user's *current position* for which search results will be returned. (Sheha Specification, para. # 0065). Sheha does not disclose transmitting the differential information indicating a distance between user's current location and the particular location. Applicant accordingly respectfully requests that the rejection of claim 6 be withdrawn and the claim be allowed.

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### Claims 7-9

Sheha fails to teach or suggest, expressly or inherently, the elements of dependent claim 7-9 as Sheha does not disclose where the rating information is based on points of interest somehow related to the particular location. Sheha does disclose rating information for POIs that are related to the user's current position. (Sheha Specification, para. #0065-0067, 0072-0077). Sheha's teachings, however, are limited to POI ratings where the POIs are based on the user's *current* position. For example, Sheha teaches search results that include "various restaurants...that all have various ratings and are in the vicinity of the navigational device's current position" and "[t]he search result display...provides search results based on the navigational device's current route information 1303 and current position 1304...". (Sheha Specification, para. #0076). Sheha thus fails to disclose rating information related to the *particular* location as required by claims 7-9 and instead only discloses rating information of POIs related to a *current* position. Applicant accordingly respectfully requests that the rejection of claims 7-9 be withdrawn and the claims be allowed.

### Claim 10

In regards to independent claim 10, the Office action fails to establish a *prima facie* case of anticipation by Sheha because citations of Sheha provided as support for the rejections fail to describe, suggest or teach "each and every element as set forth in the claim[s]". In particular, claim 10 includes "a compass, wherein the compass indicates directional information between the current location and the particular location...". Sheha, in contrast, does not disclose or suggest a compass. While Sheha does disclose textual driving directions that could include a direction (Sheha Specification, para. #0074), such a disclosure neither suggests nor discloses a compass included with an apparatus for requesting rating information.

Neither does Sheha disclose or suggest the element of claim 10 that states "a user interface for receiving user input from a user located at a current location, wherein the user input comprises differential information indicating a distance between the current location and the particular location...". While Sheha does allow a user to select a search distance (as shown on the search distance display 904 of FIG 9) to specify a radius around the user's current position for which search results will be returned, Sheha does not disclose a user interface for receiving

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user input including a distance between the current location and the particular location. (Sheha Specification, para. # 0065). Sheha's generic search distance radius simply provides a limit on the POIs returned in a search and does not disclose or suggest a user-inputted distance to a particular location.

Sheha also does not disclose or suggest the element of claim 10 that states "a transmitter for transmitting the particular location to a wireless network to request rating information related to the particular location...". While Sheha does transmit the user's *current location* over a wireless network so as to receive information about nearby POIs, Sheha does not transmit a *particular location* (that differs from the current location by the differential information) to request rating information associated with that particular location. For example, the Sheha system finds POIs "closest to the user's current position minimizing the drive time off the route." (Sheha Specification, para. #0076). Simply put, Sheha discloses methods and systems "for enabling a navigational device to search, rate, and navigate POIs from a navigational device's current position", and does not disclose providing rating information based on a particular, different location than the user's current location. (Sheha Specification, para #0058).

Sheha does not teach or suggest, expressly or inherently, multiple limitations of independent claim 10 for the reasons described above and other reasons. Accordingly, Applicant respectfully requests that the rejection of claim 10 be withdrawn and that claim 10 be allowed.

#### Claims 11-18

Claims 11-18, being dependent upon claim 10, incorporate the limitations of claim 10. As discussed previously, Sheha does not teach or suggest, expressly or inherently, multiple limitations of claim 10. Sheha similarly does not teach or suggest, expressly or inherently, multiple limitations of claims 11-18 for the reasons described for claim 10, for reasons described herein, and for other reasons. Applicant therefore respectfully requests that the rejections of claims 11-18 be withdrawn and the claims allowed. While the Office action's individual rejections of particular dependent claims are now moot in light of the arguments presented above and need not be addressed, some additional distinctions between these claims and Sheha will be addressed herein.

#### Claims 11-12

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Sheha fails to teach or suggest, expressly or inherently, the element of dependent claims 11 and 12 that states “a processor for determining the particular location based on the current location, directional information and the differential information”. Sheha does disclose a processor for determining the *current* location but does not disclose a processor for determining the *particular* location (including based on directional information and differential information). (Sheha Specification, para. #0063). Accordingly, Applicant respectfully requests that the rejection of claims 11-12 be withdrawn and the claims be allowed.

#### Claims 13-14

In regards to dependent claims 13-14, the Office action fails to establish a *prima facie* case of anticipation by Sheha as Sheha fails to describe, suggest or teach “each and every element as set forth in the claim[s]”. In particular, Sheha fails to disclose or suggest a transmitter configured to transmit the particular location, as described in relation to claim 10. The Sheha device transmits a current location, not a particular, different location. (Sheha Specification, para. #0076). For example, the Sheha system finds POIs “closest to the user’s current position minimizing the drive time off the route.” (Sheha Specification, para. #0076). Accordingly, Applicant respectfully requests that the rejection of claims 13-14 be withdrawn and the claims be allowed.

#### Claim 16

Sheha also fails to disclose or suggest a “digital compass” as required by claim 16. Accordingly, Applicant respectfully requests that the rejection of claims 13-14 be withdrawn and the claims be allowed. While Sheha does disclose textual driving directions that could include a direction (Sheha Specification, para. #0074), such a disclosure neither suggests nor discloses a digital compass. Accordingly, Applicant respectfully requests that the rejection of claim 16 be withdrawn and the claim be allowed.

#### Claims 19-21

In regards to independent claim 19, Sheha does not teach or suggest, expressly or inherently, multiple limitations of independent claim 19 for the reasons described above for claim 1 as well as other reasons. Further, claims 20-21, being dependent upon claim 19, incorporate the limitations of claim 19. Sheha similarly does not teach or suggest, expressly or

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inherently, multiple limitations of claims 20-21 for the reasons described for claim 19 and for other reasons. Accordingly, Applicant respectfully requests that the rejection of claims 19-21 be withdrawn and the claims be allowed.

### Claim 22

In regards to independent claim 22, the Office action fails to establish a prima facie case of anticipation by Sheha because citations of Sheha provided as support for the rejections fail to describe, suggest or teach “each and every element as set forth in the claim[s]”. In particular, claim 22 states “receiving a request from a user located at a current location for rating information related to a particular location”. Sheha, in contrast, does not disclose or suggest receiving a request for rating information for a particular location but instead discloses receiving a request for rating information for POIs near the user’s *current* location. For example, the Sheha system finds POIs “closest to the user’s current position minimizing the drive time off the route.” (Sheha Specification, para. #0076). Sheha discloses methods and systems “for enabling a navigational device to search, rate, and navigate POIs from a navigational device’s current position”, and does not disclose receiving a request for rating information based on a particular location different than the user’s current location. (Sheha Specification, para #0058).

Sheha also fails to disclose or suggest “receiving differential information from the user, the differential information describing the particular location relative to the current location” as required by claim 22. Sheha discloses receiving a search distance (as shown on the search distance display 904 of FIG 9) from a user to specify a radius around the user’s *current position* for which search results will be returned. (Sheha Specification, para. # 0065). The search distance is not differential information between a current location and a particular location and is instead a search parameter.

Sheha also fails to disclose or suggest “determining the particular location based upon the differential information and the indication of the current location” as required by claim 22. As described previously, the Sheha system only utilizes the *current location* to produce its search results and thus does not determine a particular location. (Sheha Specification, para. #0058, 0076). The other locations of Sheha besides the current location are POIs that are part of the search results, and are not a particular location that will be the basis for a search as in claim 1.

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In addition, Sheha fails to disclose or suggest “retrieving the rating information related to the particular location” and “transmitting to the user the rating information related to the particular location” as required by claim 22. As described previously, Sheha teaches a method of searching for points of interest (POIs) and their ratings based on the user’s *current position* as determined by a navigational device. (Sheha Specification, para. #0062-0063). The Sheha system only utilizes the *current location* to produce its search results, not a particular location. (Sheha Specification, para. #0062-0063).

Sheha does not teach or suggest, expressly or inherently, multiple limitations of claim 22 for the reasons described above and other reasons. Accordingly, Applicant respectfully requests that the rejection of claim 22 be withdrawn and that claim 22 be allowed.

#### Claims 23-26

Claims 23-26, being dependent upon claim 22, incorporate the limitations of claim 22. As discussed previously, Sheha does not teach or suggest, expressly or inherently, multiple limitations of claim 22. Sheha similarly does not teach or suggest, expressly or inherently, multiple limitations of claims 23-26 for the reasons described for claim 22 and for other reasons. Applicant therefore respectfully requests that the rejections of claims 23-26 be withdrawn and the claims allowed.

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### CONCLUSION

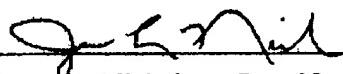
In the present response, Applicant responded to the Office action's claim rejections under 35 USC § 102. Accordingly, Applicant believes that this response constitutes a complete response to each of the issues raised in the office action. In light of the amendments made herein and the accompanying remarks, Applicant believes that the pending claims are in condition for allowance. Accordingly, Applicant respectfully requests that the rejections be withdrawn, pending claims be allowed, and application advance toward issuance. If the Examiner has any questions, comments, or suggestions, the undersigned attorney would welcome and encourage a telephone conference at (860) 643-0102.

No fee is believed due with this paper. However, if any fee is determined to be required, the Office is authorized to charge Deposit Account 09-0447 for any such required fee.

Respectfully submitted,

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